UNITED STATES DISTRICT COURT 1 2 DISTRICT OF NEVADA 3 4 UNITED STATES OF AMERICA, 5 Plaintiff, Case No.: 2:10-cr-00089-GMN-LRL VS. 6 **ORDER** 7 JULIAN VALDEZ-ARAGON, 8 Defendant. 9 10 Before the court is the Government's Motion for Clarification (ECF No. 81) regarding the Court's previous Order (ECF No. 79) which granted Petitioner Julian Valdez-Aragon's 11 12 Motion to Preserve Forensic Records (ECF No. 73). Petitioner Julian Valdez-Aragon submitted a Supplement (ECF No. 80) which included 13 a letter from Shannon Merges, Quality Manager of the Las Vegas Metropolitan Police 14 Department Forensic Laboratory. (ECF No. 80 at p. 13). The letter from Ms. Merges stated 15 that the records sought by Valdez-Aragon were not public record and could not be provided to 16 him "without a subpoena pursuant to an Order from the Court allowing discovery." 17 18 The Government's Motion for Clarification is **GRANTED** in part, and **DENIED** in part, as follows: 19 The Court, having found in its previous Order (ECF No. 79) that the Petitioner has 1. 20 met his burden to establish good cause, pursuant to Rule 6(a) Governing Section 2255 21 Proceedings, hereby authorizes Petitioner Valdez-Aragon to conduct discovery, to obtain the 22 23 copies of the logbook and all the forensic reports for the analysis of the controlled substance

seized in this case, aka Event Number 100215-3558, by the Las Vegas Metropolitan Police

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Department Forensic Laboratory.

- 2. The Clerk of Court is ordered to provide a subpoena to Petitioner Julian Valdez-Aragon so that he may obtain records from the Las Vegas Metropolitan Police Department Forensic Laboratory as discovery in the case.
- 3. Petitioner Julian Valdez-Aragon will have until **Monday, March 17, 2014** to file a Second Supplement to his Motion to Vacate under 28 U.S.C. 2255 (ECF No. 70).
- 4. The Government will have thirty (30) days from the date of Petitioner's filing to file its Supplemental Response.

**DATED** this 7th day of February, 2014.

Gloria M. Navarro, Chief Judge United States District Court